

UNITED STATES DISTRICT COURT  
Northern District of California

MAXIM REALTY AND LOANS, INC.,

No. C 11-2960 MEJ

Plaintiff,

**ORDER TO SHOW CAUSE**

v.

GRACE DE CASTRO,

Defendant.

On June 16, 2011, Defendant Grace de Castro removed this unlawful detainer action from Alameda County Superior Court. However, an unlawful detainer action does not arise under federal law but is purely a creature of California law. *Wells Fargo Bank v. Lapeen*, 2011 WL 2194117, at \*3 (N.D. Cal. June 6, 2011); *Wescom Credit Union v. Dudley*, 2010 WL 4916578, at \*2 (C.D. Cal. Nov. 22, 2010). Thus, it appears that jurisdiction is lacking and the case should be remanded to state court. Accordingly, the Court ORDERS Defendant to show cause why this case should not be remanded to the Alameda County Superior Court. Defendant shall file a declaration by October 6, 2011, and the Court shall conduct a hearing on October 20, 2011 at 10:00 a.m. in Courtroom B, 15th Floor, 450 Golden Gate Avenue, San Francisco, California. In her declaration, Defendant must address how this Court has jurisdiction over Plaintiff's unlawful detainer claim. Defendant should be mindful that an anticipated federal defense is not sufficient to confer jurisdiction. *Franchise Tax Bd. of California v. Construction Laborers Vacation Trust*, 463 U.S. 1, 10 (1983). The September 29, 2011 c.m.c. is vacated.

**IT IS SO ORDERED.**

Dated: September 23, 2011

  
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Maria-Elen James  
Chief United States Magistrate Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

MAXIM REALTY AND LOANS, INC.,

Case Number: 11-2960 MEJ

Plaintiff,

v.

**CERTIFICATE OF SERVICE**

GRACE DE CASTRO,

Defendant..

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on September 23, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Grace de Castro  
32010 Arya Court, Unit #3A  
Union City CA 94587

Dated: September 23, 2011

Richard W. Wieking, Clerk  
By: Brenda Tolbert, Deputy Clerk